



NEWS

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF OCTOBER 15, 2001

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#01-134 Aguilar v. Lerner, S099667. (A091884; 90 Cal.App.4th 177.) Petition for review after the Court of Appeal affirmed a judgment confirming an arbitration award. This case includes the issue of whether a clause in an attorney-client fee agreement calling for binding arbitration of fee disputes that may arise in the future is preempted by the mandatory fee arbitration statutes (Bus. & Prof. Code, § 6200 et seq.), which provide, inter alia, that arbitration of a fee dispute is not binding unless the client agrees to binding arbitration after the dispute arises.

#01-135 Alpha Therapeutic Corp. v. Home Insurance Co., S099962. (B134257; 90 Cal.App.4th 330.) Petition for review after the Court of Appeal reversed a summary judgment in a civil action. This case includes the issue of whether, when an insured is liable for multiple injuries continuing over successive policy periods but arising out of a single occurrence, the insured may obtain the per-occurrence limits of successive liability insurance policies or whether the insured is limited to a single year's policy limits.

#01-136 City of Cotati v. Cashman, S099999. (A092242; 90 Cal.App.4th 796.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case concerns whether a defendant seeking the dismissal of an action under the anti-

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SLAPP statute (Code Civ. Proc., § 425.16) must show that the action chilled or was brought with the intent to chill the defendant's exercise of the constitutional rights of free speech or to petition the government for redress of grievances, which is related to issues before the court in Equilon Enterprises v. Consumer Cause, Inc., S094877 (#01-36) and Navellier v. Sletten, S095000 (#01-37).

#01-137 People v. Ashburn, S100198. (C036029; 90 Cal.App.4th 1282.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending in People v. Willis, S079245 (#99-125), which includes the issue of whether the good faith exception set forth in United States v. Leon (1984) 468 U.S. 897 prevents exclusion of evidence obtained during a parole search based on erroneous information supplied to police that appellant was on parole.

#01-138 Villafana v. Camco Pacific Construction Co., S100657. (D037267; 91 Cal.App.4th 189.) Petition for review after the Court of Appeal affirmed the summary judgment in a civil action. The court ordered briefing deferred pending decision in Hooker v. Department of Transportation, S091601 (#00-139), which concerns whether under the decisions in Privette v. Superior Court (1993) 5 Cal.4th 689 and Toland v. Sunland Housing Group, Inc. (1998) 18 Cal.4th 253, an employee of an independent contractor is barred from pursuing a lawsuit against the hirer of the independent contractor on the theory the hirer negligently exercised control it had retained.

DISPOSITION

#99-157 People v. Boddie, S081019, was transferred to the Court of Appeal for reconsideration in light of People v. Cleveland, 25 Cal.4th 466 and People v. Jefferson (1999) 21 Cal.4th 86.

The following cases were transferred to the Court of Appeal for reconsideration in light of People v. Cleveland, 25 Cal.4th 466:

#99-157 People v. Boddie, S081019.

#99-16 People v. Du, S075171.

#00-68 People v. Fulgham, S087381

#00-52 People v. Hightower, S086456.

#01-24 People v. Medina, S094336.

#98-70 People v. Metters, S069442.

#00-89 People v. Montalvo, S088093.

#99-165 People v. Nava, S081565.

#00-157 People v. Orozco, S092122.

#00-53 People v. Parker, S086289.

#98-157 People v. Rodriguez, S073219.

#00-124 People v. Smith, S090232.

The following cases were dismissed and remanded to the Court of Appeal:

99-101 People v. Baca, S078755.

#98-118 People v. Clark, S071279.

#99-34 People v. Fuentes, S075588.

#00-11 People v. Hughes, S084028.

#00-120 People v. Kahn, S090153.

#99-64 People v. Odam, S077469.

#99-199 People v. Rowland, S083265.

#99-88 People v. Valley, S078176.

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